

REMARKS

Claims 1-11 are currently pending in the present application. The Office Action has withdrawn Claims 9-11 from consideration and has rejected Claims 1-8 as being anticipated by Mikurak. The Office Action also objected to Claim 1

I. Restriction

The Office Action has failed to address the Applicants traverse of the restriction requirement. The restriction must be withdrawn or the Applicants remarks addressed.

Furthermore, as acknowledged by the present Office Action, the restriction requirement presented in the Office Action dated March 23, 2004 was improper. Therefore, the restriction must be withdrawn or a new restriction requirement issued.

II. Rejection under 35 U.S.C. 102 (e)

The Office Action rejected Claims 1-8 as being anticipated by Mikurak.

Claim 1 is "A method for generating applications from candidates interested in attending an educational institution." Mikurak does not in any manner disclose such a method.

Mikurak discloses a method for collaborative installation management in an network based supply chain environment. The disclosure of Mikurak is directed to routing telephone calls, data and other multimedia information through a network system. Mikurak discloses in regards to educational related services a method of managing a curriculum of course offerings for users.

Mikurak does not disclose, teach or suggest the method as described in the present claims. Mikurak is not even shown to demonstrate any of the elements in Claim 1. The Office Action, as documented below, has cited passage after passage which bears little relevance to the Claims. The rejection must be withdrawn. There is no permissible reading of Mikurak that anticipates the current claims.

A. The Office Action suggest that "Mikurak discloses the claimed "accessing a candidate database containing personal information" (Col. 130 lines 3-7; col. 141, lines 18-55)

The Applicant points out that the cited passages relate to storing the user information in a database to determine the users buying pattern.

"All of the user information would be placed in a database in operation 6901 for retrieval when necessary. Thus , a user's buying pattern for a particular type of item can be readily estimated with relative surety in operation 6902 each time a user uses the system"(Col. 130, lines 3-7)

The other cited passages Col. 141, lines 18-55 relates to course offerings, course details and required courses, as well as teaching methods.

“a curriculum of course offerings is generated from which users are permitted to select, i.e. order, register etc.”

“The invention provides several highly innovative features which significantly enhance the effectiveness of these teaching programs and testing programs.”

Mikurak does not disclose accessing a “candidate database” Mikurak only discloses accessing a database of users’ past purchases.

B. The Office Action also suggests that Mikurak discloses “profiling the candidates according to criteria established by the educational institutions” and cites Col. 142 lines 1-8 as a basis.

The profiling of Mikurak only includes the education status, needs and capabilities of the students. Mikurak profiles the students, not candidates. A student cannot be candidate for admission.

C. The Office Action also suggests that Mikurak discloses “segmenting the profiled candidates into a target group”.

Mikurak in the cited passage determines learning styles by means other than information in the profile.

“The preferred learning styles are ascertained by a combination of student-counselor interviews, computer-assisted examination of the student, and standard psychological assessment” Col. 142, lines 41-45

And the profile is used to supplied the learning material to the student.

“The invention uses the PROFILE to select material to present to the student during each session. The PROFILE is updated, if required, at each student’s learning session, to indicate progress made during the session. This updating is automatic, and done non-intrusively.” Col 142, lines 45-49

There is now showing of segmenting students (much less candidates) into a target group. Mikurak in these passages is disclosing individual teaching sessions on the computer, not a method for generating applications.

D. The Office Action also suggest the Mikurak discloses “providing a web site containing links to a survey and to the partial application” and cited Col. 141, lines 1-55 as a basis.

The cited passage does not describe any survey, nor does it describe a partial application. Mikurak simply is not applicable to the present claims.

E. The Office Action suggests that Mikurak discloses “assigning a unique access number to each candidate in the target group” and cited Col. 141, lines 1-55; Col. 149, lines 53-Col. 150 line 8 as a basis.

There is no disclosure in these passages, of “assigning a unique access number”, “candidates” or a “target group”.

F. The Office Action suggest the Mikurak discloses “electronically mailing each candidate in the target group the assigning PIN and an invitation to use the PIN to access the web site” and cites Col. 157, line 35-Col. 158 line 27; and Col. 158, lines 33-61 as a basis.

The cited passages are related to ordering and providing online training, and do not mention a target group, invitation or PIN.

“The education related services component of the present invention educates users over a network such as a LAN WAN, an intranet, the internet, etc.” Col 157, lines 62-64.

“One embodiment of the present invention is provided for affording a combination of customer-related web application services to support a product” Col. 158, lines 33-34.

G. The Office Action suggest the Mikurak discloses “ providing each candidate accessing the web site and indicating a continuing interest in the education institution with electronic access to a partial application and cites Col. 147, lines 25-44 as a basis.

The cited passages deals with determining a competency, it is not related or does it make a distinction of continuing interest, or interest in the educational institution.

“The assessment process seeks to determine a level of performance, or level of competency, because the goal of the overall education process is to enhance ability to perform” Col. 147 lines 38-44.

How this supports the Office Actions suggestion, is unknown.

H. The Office Action suggests the Mikurak discloses “ for each candidate who electronically accessed a partial application, customizing the partial application with personal information from the database” and cites Col. 146 lines 35-48; Col. 155, line 25-Col. 156, line 46 as a basis.

Again the cited passages bear no relevance to the claim element it purports to anticipate. The passage disclosed customizing teaching style to the student.

“The invention allows education to be tailored to individual needs, at all educational levels.” Col. 146, lines 44-45.

I. The Office Action asserts that Mikurak discloses “compiling the partial applications which have been electronically completed and transmitting the partial applications to the education institution” and cites Col. 156, lines 55-62; Col. 157, lines 2-25 as a basis.

The cited passages relate to curriculum generation and marketing collateral.

“The educational related services component of the present invention generates a curriculum of course offerings in operation 7100. A review of standard course descriptions and objectives is provides. Also provided is the ability to customize the curriculum. Course information and dates are described in a course catalog, which is displayed or made available or download. The course catalog may also describe course-ware and suggest curriculum.” Col. 156, lines 57-64.

It is again unclear how this passage anticipates any element of Claim 1.

J. None of the elements of Claim 1 addressed above have been demonstrated to be disclosed in Mikurak. The rejection of Claim 1 is improper and must be withdrawn. Likewise the rejections of Claim 2-6 which depend from Claim 1 are also improper as they include all the elements of Claim 1.

K. The same and more irrelevant passages are relied upon for the rejection of Claim 7. As such the rejection of Claim 7 is equally improper and must be withdrawn. Likewise the rejection of Claim 8 which depends from Claim 7 is also improper as it include all the elements of Claim 7.

III. Claim Objections

Claim 1 has been amended in view of the Examiner’s Objection.

CONCLUSION

The Applicant requests withdrawal of the restriction requirement and the rejections of Claims 1-8.

The Office Action has not made a proper restriction and has not addressed the Applicants traverse.

The Office Actions rejection of the claims is without merit and without support in the disclosure of Mikurak. None of the cited passages bear any resemblance to the elements which they are cited against and Mikurak other than containing the word “educational” and “applications” bears no disclosure of a method for generating applications from candidates interested in attending an educational institution.

The Applicant submits that the claims 1-11 are in condition for allowance and request an indication of such.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Mark C. Comtois', with a horizontal line drawn underneath it.

Mark C. Comtois
L. Lawton Rogers, III
D. Joseph English
Patrick D. McPherson
Attorney at Law

DUANE MORRIS LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: August 13, 2004